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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,814	11/07/2000	Mark D. Morrison	MORRISON 00.02	1159

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EXAMINER	
CONTEE, JOY KIMBERLY	
ART UNIT	**PAPER NUMBER**
2686	

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/707,814	MORRISON, MARK D.	
	Examiner	Art Unit	
	Joy K Contee	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-5,22-34 and 41-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-5,22-34 and 41-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-3 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1,3,4,22,27-30,34,41 and 42 have been considered but are moot in view of the new grounds of rejection.

Claim Objections

2. Claim 34 is objected to because of the following informalities: in the amendment Applicant apparently used wrong dependency. The claim is dependent from itself. Appropriate correction is required. Examiner has considered the claim as if it were dependent from the independent claim 30.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furono, U.S. Patent No. 5,724,667, previously used, in view of Patterson et al. (Patterson) U.S. Patent No. 6,059,081, Applicant cited in IDS.

Regarding claim 1, Furono discloses a cable retractor assembly, comprising:

an enclosure for housing a rotatable reel, the enclosure having a first side and an opposing side (col. 3,lines 25-32),

a biasing member coupled to the reel and the enclosure for urging the reel to rotate in a predetermined direction (col. 3,lines 42-50)

inherently a first plurality of terminals (e.g., for battery connection) disposed on the first side of the enclosure (i.e., reads on cabinet), and second plurality of terminals disposed on the second side of the enclosure, the first plurality of terminals electrically coupled (i.e., via circuit board) to the second plurality of terminals (col. 3,lines 12-41 and col. 6, line 64 to col. 7, line 4, see Figs. 3,6 and 8).

Furono fails to explicitly disclose wherein the first plurality of terminals is coupleable to a power supply external to an electronic device and the second plurality of terminals is coupleable to the electronic device.

In a similar field of endeavor, Patterson is evidence of wherein the first plurality of terminals is coupleable to a power supply external (i.e., reads on swivel plug that plugs into a standard volt AC wall outlet) to an electronic device (i.e., reads on radiotelephone) and the second plurality of terminals is coupleable to the electronic device (col. 1,lines 45-50 and col. 2,lines 57-66).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Furono to include terminals coupleable to an external power supply such as an AC wall outlet as is known in the art and taught by Patterson, to replace or charge the removable battery (23) in Furono.

Regarding claim 3, Furono further discloses the cable retractor of claim 1, wherein the electronic device is a wireless phone (i.e., reads on description of portable telephone shown in Fig. 8, the circuit board attaches all terminals within housing cabinet, hence cable retractor is included and attached to wireless phone, as well) (col. 5,line 53 to col.6,line 67).

Regarding claim 4, Furono discloses the cable retractor of claim 3, wherein the wireless phone is a cellular phone (i.e., reads on radio transmission as is inherent to cellular) (col. 5,lines 61-63).

Regarding claim 5, Furuno discloses the cable retractor of claim 1, further comprising a length of cable having a first end and a second end, the first end of the cable coupled to the rotatable reel and the second end of the cable comprising a speaker (col. 3,lines 23-24 see Fig. 3).

5. Claims 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furuno, in view of Patterson and Isberg et al. (Isberg), U.S. Patent No. 6,587,674., previously used in rejection.

Regarding claim 22, Furuno discloses a cable retractor assembly coupleable to a communications device, comprising:

an enclosure for housing a rotatable reel(col. 3,lines 25-32),

a biasing member coupled to the reel and the enclosure for urging the reel to rotate in a predetermined direction (col. 3,lines 42-50).

Furono fails to explicitly disclose, wherein the enclosure is detachably coupableable to the communication device, nor an actuator coupled to the enclosure to signal the communication device to pick up an incoming call.

In a similar field of endeavor, Patterson is evidence of wherein the first plurality of terminals is coupleable to a power supply external (i.e., reads on swivel plug that plugs into a standard volt AC wall outlet) to an electronic device (i.e., reads on radiotelephone) and the second plurality of terminals is coupleable to the electronic device (col. 1,lines 45-50 and col. 2,lines 57-66).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Furono to include terminals coupleable to an external power supply such as an AC wall outlet as is known in the art and taught by Patterson, to replace or charge the removable battery (23) in Furono.

Also ,in a similar field of endeavor, Isberg discloses an actuator (i.e., reads on engaging element) coupled to the enclosure to signal the communication device to pick up an incoming call (col. 5,lines 10-30).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Furuno to include an actuator to achieve automatic "off-hook" based on an incoming call for the purpose of providing the user with less actions to take in answering a call.

Regarding claim 23, Furono further discloses the method of claim 22, wherein the communications device is a wireless phone (i.e., reads on description of portable telephone shown in Fig. 8, the circuit board attaches all terminals within housing

cabinet, hence cable retractor is included and attached to wireless phone, as well) (col. 5,line 53 to col.6,line 67).

Regarding claim 24, Furono as modified by Isberg, discloses method of claim 22, wherein the communications device is a cellular phone (i.e., reads on radio transmission as is

Regarding claim 25, Furuno as modified by Isberg disclose the cable retractor assembly of claim 22, further comprising a terminal (i.e., reads on circuit board) for coupling the signal to the coupleable communications device (col. 3, line 18 to col. 4, line 46).

Regarding claim 26, Furuno and Isberg disclose the cable retractor assembly of claim 22, Furuno discloses a speaker (i.e., earphone 27) coupled to a cable for generating sound waves, the cable coupled to the reel (see Fig. 2).

6. Claims 27-34 and 41-43 are rejected under 35 U.S.C. 103(a as being unpatentable over Thornton, U.S. Patent No. 6,082,656, previously used, in view of Gitzinger et al. (Gitzinger), U.S. Patent No. 6,633,70, previously cited not used.

Regarding claim 27, Thornton discloses a portable communications device, comprising:

a communications circuit for sending and receiving wireless communications signals (col. 4,lines 7-46),

a cable retractor assembly for retracting a coupled cable, the cable comprising a first end and and a second end, the first end coupled to the communications circuit and the second end comprising a speaker (col. 3,lines 19-39), and

an enclosure for housing the communications circuit and the retractor (col. 3,lines 31-39).

Thornton fails to explicitly disclose wherein the enclosure is detachably coupleable to the communication device.

In a similar field of endeavor, Gitzinger discloses a telecommunications device holster having a retractable earpiece assembly integrated within (col. 1,lines 40-44 and lines 54-58).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Thornton to include a detachable holster as taught by Gitzinger for the purpose of storing an earpiece assembly when not in use and providing a cradle for the mobile phone its self.

Regarding claim 28, Gitzinger further discloses cable retractor assembly coupleable to a portable communications device of claim 27, further comprising a microphone coupled to the cable an inherently spaced distance from the speaker (i.e., extended) (col. 6,lines 25-40).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Thornton to include a detachable holster as taught by Gitzinger for the purpose of storing an earpiece assembly when not in use and providing a cradle for the mobile phone its self.

Regarding claim 29, Gitzinger further discloses cable retractor assembly coupleable to a portable communications device of claim 28, further comprising an

enclosure (i.e., reads on cradle) for housing the speaker and a microphone (col. 6,lines 25-40).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Thornton to include a detachable holster as taught by Gitzinger for the purpose of storing an earpiece assembly when not in use and providing a cradle for the mobile phone its self.

Regarding claim 30, Thornton discloses a cable retraction assembly, comprising:

a reel rotatable about an axis for the winding and unwinding of a cable, the cable having at least two electrical conductors (col. 3,line 66 to col. 4, line 24),

a biasing member coupled to the reel for urging the reel to rotate in a first direction (col. 4,lines 6-18); and

a force applicator for resisting winding and unwinding of the cable (col. 4, line 26-56).

Thornton fails to explicitly disclose wherein the enclosure is detachably coupleable to the communication device.

In a similar field of endeavor, Gitzinger discloses a telecommunications device holster having a retractable earpiece assembly integrated within (col. 1,lines 40-44 and lines 54-58).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Thornton to include a detachable holster as taught by Gitzinger for the purpose of storing an earpiece assembly when not in use and providing a cradle for the mobile phone its self.

Regarding claim 31, Thornton discloses the cable retraction assembly of claim 30, further comprising a speaker coupled to the cable for generating sound waves (col. 3,lines 19-24).

Regarding claim 32, Thornton discloses the cable retraction assembly of claim 31, further comprising a microphone coupled to the cable for detecting sound waves (col. 3, lines 19-24).

Regarding claim 34, Thorton discloses the cable retraction assembly of claim 30, wherein the electronic device is a portable communication device (col. 1,lines 63-66).

Regarding claim 41, Thornton discloses a cable retractor, comprising:

an enclosure mechanically coupleable to a portable electronic device (col. 3, lines 30-50),

a rotatable reel (col. 3, lines 30-39),

a biasing member secured to the enclosure and the reel to urge the reel to rotate in a predetermined direction (col. 4, lines 6-19),

a length of cable having a first end and second end, the first end coupled to the reel and the second end having a speaker coupled thereto (col. 3,lines 10-18),

a plurality of terminals secured to the enclosure, the terminals electrically coupled to the first end of the cable and electrically coupleable to the portable electronic device (col. 3,lines 10-30).

Thornton fails to explicitly disclose wherein the enclosure is detachably coupleable to the communication device.

In a similar field of endeavor, Gitzinger discloses a telecommunications device holster having a retractable earpiece assembly integrated within (col. 1,lines 40-44 and lines 54-58).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Thornton to include a detachable holster as taught by Gitzinger for the purpose of storing an earpiece assembly when not in use and providing a cradle for the mobile phone its self.

Regarding claim 42, Thornton discloses the cable retractor of claim 41, further comprising a microphone coupled to the cable for detecting sound waves (col. 3, lines 19-24).

Regarding claim 43, Thornton discloses the cable retractor of claim 41, wherein the portable electronic device is a selected one of a AM/FM radio, a CD player, and a cassette player, a radio phone, and a cellular phone (col. 1, lines 63-65).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K Contee whose telephone number is 703-308-0149. The examiner can normally be reached on 5:30 a.m. to 2:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703-305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Joy Contee

May 29, 2004

CHARLES APPIAH
PRIMARY EXAMINER